IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Stay Vacation Application No. 282 of 2007
In
Writ Petition No. 1112 (SS) of 2006

Bhawan Giri,
S/o Sri Diwan Giri,
Posted as Junior Accounts Clerk
Finance & Accounts (Education) Office,
Champawat,
District – Champawat. **……Petitioner.**

Versus

1. State of Uttarakhand through Secretary, Department of Education, Secretariat, Dehradun.
2. Finance and Accounts Officer, Basic / Secondary Education, Champawat, District – Champawat.
3. District Education Officer, Champawat.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri C.D. Bahuguna, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. *Issue a writ order or direction in the nature of Certiorari Quashing the impugned order of cancellation of appointment of the petitioner dated 31.07.2006 contained in Annexure 1 to this petition.*

2. *Issue a writ order or direction in the nature of Mandamus commanding the respondents to permit to continue on the post of Junior Accounts Clerk in the office of Finance and Accounts (Education) Champawat.*

3. *issue any other writ order or direction, as this Hon'ble court may deem fit and proper in the circumstances of the case.*

4. *award the cost of the petition to the petitioner.*

The first prayer of the petitioner is for quashing of order dated 31.07.2006 passed by respondent no. 2 by which order dated 20.06.2006 promoting the petitioner from Class IV post to Class III post, was cancelled. Impugned order dated 31.07.2006 has been recalled by the same authority i.e. respondent no. 2 vide order dated 21.11.2006. Meaning thereby, promotion order dated 20.06.2006 has been revived. Since the order dated 31.07.2006 has already been recalled vide order dated 21.11.2006, no order is required for quashing of order dated 31.07.2006.

So far as second prayer is concerned, petitioner has prayed for a direction to respondents to permit the petitioner to continue on the post of Junior Accounts Clerk.

After passing of order dated 21.11.2006, order dated 31.07.2006 is not in existence. Order dated 20.06.2006 by which petitioner has been promoted from Class IV post to Class III post has been revived. Thus, there is no hurdle in permitting the petitioner to continue on the post to which he was promoted. Petitioner shall be paid salary for the post on which he is working.

With this direction, writ petition as well as all pending applications are finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

March 13, 2007
Sksharma